İ	Case: 1:22-cr-00721-CAB Doc #: 21 Filed: 08/18/23 2 of 25. PageID #: 104
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1 **PROCEEDINGS** 2 THE COURT: Thank you. Please be seated. 3 (Case called.) THE COURT: Good morning. On behalf -- good 4 5 afternoon -- on behalf of the United States? 6 MR. DECKERT: Good afternoon, your Honor. 7 Brian Deckert on behalf of the United States, and seated 8 with me at counsel table is Dan Riedl. 9 THE COURT: Mr. Deckert, will you be 10 speaking on behalf of the United States? 11 MR. DECKERT: I will, your Honor. 12 THE COURT: Very well. On behalf of the 13 Defendant? 14 MR. VEGH: Tony Vegh on behalf of Isaac Woolley. Good afternoon. 15 16 THE COURT: Good afternoon. Sir, you are 17 Isaac Woolley? 18 THE DEFENDANT: Yes, your Honor. 19 THE COURT: Can you speak into that 20 microphone for me so I can hear you? 21 THE DEFENDANT: Yes, your Honor. 22 THE COURT: Good afternoon. 23 THE DEFENDANT: Good afternoon, sir. 24 THE COURT: We are here this afternoon for a scheduled detention hearing. 25

1	Mr. Deckert, for purposes of today's
2	proceedings, would you please state the charges and
3	penalties?
4	MR. DECKERT: Yes, your Honor. Mr. Woolley
5	was charged in a multiple count indictment by a Grand
6	Jury sitting in the Northern District of Ohio, returned
7	December 15, 2022.
8	It is a six-count indictment. The first
9	count alleges a violation of Title 49 of the United

States Code, Sections 4631(4)(a) and (b)(2), entering aircraft or airport area in violation of security requirements.

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It carries a maximum term of imprisonment of 10 years, a fine of \$250,000 maximum, a maximum term of supervised release of three years, and a \$100 special assessment.

Count 2 is a violation of Title 18 of the United States Code, Section 37(a)(2), violence at international airports, a maximum term of imprisonment of 20 years, a maximum fine of \$250,000, maximum term of supervised release of three years, and a \$100 special assessment.

Counts 3 and 4 are violations of Title 18 of the United States Code, Section 2119(1), carjacking.

It is 25 years maximum imprisonment, a

maximum fine of \$250,000, a maximum term of supervised release of five years, and a \$100 special assessment.

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Count 5 is a violation of Title 18 United States Code, Section 32(a)(3), destruction of aircraft or aircraft facilities.

It is a maximum term of imprisonment of 20 years, a maximum fine of \$250,000, maximum term of supervised release of three years, and a \$100 special assessment.

Count 6 finally is a violation of Title 18 United States Code, Section 32(a)(5), destruction of aircraft or aircraft facilities, again as above, a 20-year maximum imprisonment term, maximum fine of \$250,000, maximum three-year supervised release term, and a \$100 special assessment

THE COURT: Mr. Deckert, is this a presumption matter?

MR. DECKERT: Your Honor, this is a presumption, a rebuttable presumption of detention.

THE COURT: Thank you very much.

Now, Mr. Woolley, you have a constitutional right to be represented by an attorney at every stage of these proceedings. If you are unable to afford an attorney, the Court will appoint one to represent you at no cost.

1 Sir, do you understand your right to an 2 attorney? 3 THE DEFENDANT: Yes, your Honor. 4 THE COURT: Now, Mr. Tony Vegh is the 5 attorney who has previously been appointed to represent 6 you in this matter. 7 Is that correct? 8 THE DEFENDANT: Yes, your Honor. 9 THE COURT: Now, Mr. Woolley, you also have 10 a right to remain silent. You are not required to make a 11 statement, and anything you say may be used against you. 12 If you start to make a statement you may stop at any 13 time. And you also may consult with your attorney, 14 Mr. Vegh, at any time. 15 Do you understand your right to remain 16 silent? 17 THE DEFENDANT: Yes, your Honor. 18 THE COURT: Very well. Mr. Deckert, is the 19 United States prepared to proceed? 20 MR. DECKERT: It is, your Honor. 21 THE COURT: Mr. Vegh, are you prepared to 22 proceed? 23 MR. VEGH: Yes, your Honor. 24 THE COURT: Very well. Mr. Deckert, go 25 ahead.

1 MR. DECKERT: Your Honor, the Government 2 would proffer for the Court's consideration as part of 3 its presentation Exhibits 1, 2, and 3, which had been 4 previously provided to Court staff and provided in paper 5 form for the Court's consideration. They provided to 6 Mr. Vegh previously as well. 7 For the record, Exhibit 1 is a memorandum in 8 support of pretrial detention that the Government filed 9 under Magistrate Judge No. 1:22MJ9279. 10 At the time of Mr. Woolley's arrest, a 11 criminal complaint was filed, and this memorandum was 12 filed in support. In summary, it sets forth some of the 13 factual background of the case that makes up the charges 14 in the indictment, including some of the facts related to 15 the two carjackings as well as the videos from 16 Mr. Woolley driving a car through Cleveland Hopkins 17 International Airport --18 THE COURT: Mr. Deckert, sorry to interrupt 19 you. When you say "facts," you mean the allegations? 20 MR. DECKERT: That's correct, your Honor. 21 THE COURT: You can remain seated if you 22 like. I think we are mostly concerned with making sure

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everything you say.

MR. DECKERT: Okay. Thank you, your Honor.

that you speak into the microphone so we can get down

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It also provides some of the legal justification as well. Your Honor, the memorandum provides some further information related to the risk of flight in that being recorded jail communications that were made or that were collected after his arrest.

The calls, the coded statements in the memorandum, are of the Defendant that he makes on his communications, that include descriptions of why he did what he did, statements of leaving the country, and things like that. I'm sorry. The statements that he would do it again.

And also, your Honor, there is a description of an incident in September of 2022 where the Defendant left home and was -- his whereabouts were unknown for seven days.

And ultimately, when Cleveland Police spoke with him, he had indicated at that time that he was intending to leave the country to go to the Ukraine and participate in the military operations there.

The second exhibit is the complaint, which sets forth an affidavit, and the allegations that make up the complaint also are identical to the ones that make up the superseding indictment as far as same justification for the charges in the indictment.

The third is a competency evaluation report

1	that was ordered by the Magistrate Judge's initial
2	appearance.
3	Your Honor, I would submit this under seal
4	for the Court's consideration. I will not go into
5	everything at argument about it, your Honor, for obvious
6	reasons, but I think there are some salient points
7	regarding risk of flight and danger for the community in
8	there.
9	So I would reserve for argument, your Honor,
10	after those proffers.
11	THE COURT: Any objection, Mr. Vegh, on the
12	admission of Exhibits Government's Exhibit 3?
13	MR. VEGH: No.
14	THE COURT: Very well. Do you have anything
15	further to proffer on behalf of the United States?
16	MR. DECKERT: No, your Honor.
17	THE COURT: Thank you, Mr. Deckert.
18	Mr. Vegh, anything to proffer, any witnesses
19	to put forward?
20	MR. VEGH: I have no witnesses. I would
21	like to proffer to the Court.
22	May I stand at the podium?
23	THE COURT: Yes.
24	MR. VEGH: Mr. Deckert mentioned some phone
25	communications that wave recorded shortly after my

1	client's arrest. There is almost 200 phone
2	conversations. I have listened to them all.
3	THE COURT: I'm sorry to interrupt you
4	before you even start.
5	I am just looking I am going to give you
6	all the time you want to argue.
7	MR. VEGH: Uh-huh.
8	THE COURT: I just want to know your
9	proffers right now.
10	MR. VEGH: My proffers simply though I'm
11	sorry, Judge. Excuse me.
12	THE COURT: Okay.
13	MR. VEGH: Like most lawyers, it got right
14	into argument.
15	My only proffer is my client's DD Form
16	214.
17	THE COURT: For the record, that is his
18	discharge from active duty?
19	MR. VEGH: Correct.
20	THE COURT: Very well. If you are
21	comfortable at the podium, I think I am going to have the
22	United States argue first. I will stick to my normal
23	procedure.
24	Anything further on behalf of the Defendant
25	before we go to argument?

1 MR. VEGH: Other than that proffer and 2 argument. 3 THE COURT: Very well. That Defendant's 4 Exhibit A for proffer. 5 Argument on behalf of the United States? 6 MR. DECKERT: Thank you. Your Honor, I 7 would likewise like to use the podium. 8 THE COURT: Please help yourself. 9 MR. DECKERT: Your Honor, as stated in the 10 beginning, this is a case involving a rebuttable 11 presumption that no condition or combination of 12 conditions will reasonably assure the appearance of the 13 person as required and the safety of the community. 14 That's, in part, that is due to Mr. Woolley 15 being charged with an offense listed in Section 16 2332 (b) (G) (5) (b) of Title 18 of the United States Code 17 for which there is a maximum term of imprisonment of ten 18 years or more. 19 For the record, Counts 1, 5, and 6 are 20 indeed listed in 2332 (b) (G) (5) (b), and they are all 21 punishable by ten years or more, punishable by ten years 22 or more of imprisonment. 23 Now, a Grand Jury indictment itself 24 establishes probable cause to believe that a Defendant

committed the crime for which he is charged.

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That is pursuant to United States versus Hazen, 762 F.2d 34, Sixth Circuit 1985.

So based upon that and Title 18 United States Code, Section 3142(e)(3)(C), that presumption exists, and that imposes only a burden of production on the Defendant. The Government retains the burden of persuasion in this matter.

Now, a Defendant will satisfy his burden of production if he cames forward with evidence that he does not pose a danger to the community or risk of flight.

That's pursuant to United States versus Mercedes 254 F.3d 433, Second Circuit 2001.

Now, a Defendant's burden of production is not heavy, but he must introduce, at least, some evidence. A Defendant must introduce some evidence contrary to presumed fact in order to rebut the presumption.

I would argue in this case that there has not been sufficient evidence put forward to rebut that presumption. But otherwise, the Government does retain that burden of persuasion.

Now, in assessing the risk of flight and danger to the community presumed by the Government, the Court must assess several factors.

1 First, the nature and circumstances of the 2 offense charged; the weight of the evidence against the 3 Defendant; the history and characteristics of the 4 Defendant; and the nature and seriousness of the danger 5 to any person or the community that would be posed by the 6 person's release. 7 THE COURT: Mr. Deckert, knowing the 8 Pretrial Services Report in as a proffer, is that 9 something you and Mr. Vegh would agree would be a joint 10 exhibit for purposes of today's hearing? 11 MR. DECKERT: Yes, your Honor. 12 THE COURT: Very well. Go ahead. 13 you. 14 MR. DECKERT: Now, those four factors that 15 are set forth in 3142(q)(1) through 4 the Government 16 argues they favor detention of Mr. Woolley. 17 First, looking at the nature and 18 circumstances of the offense charged, again, they are the 19 crimes -- they include crimes listed in 18 United States 20 Code, Section 2332 (b) (G) (5) (b), also includes two crimes 21 of carjacking, which are considered crimes of violence 22 that had been categorized as crimes of violence under 23 924(c) by the Sixth Circuit in United States versus

Jackson, 918 F.3d, 467. That's Sixth Circuit 2019.

So you have multiple offenses that qualify

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as crimes of violence under the nature and circumstances of the offense charged.

Further, looking at the complaint affidavit, some of the facts set forth or the allegations set forth in the memorandum, just briefly that the Defendant did by force take two motor vehicles from victims, drove one through a barrier onto a runway in Cleveland Hopkins International Airport, causing damage to the lights and the runway itself, requiring it to be shut down while international airplanes were in the air and causing a delay and, obviously, the redirection of flights, some flights from Cleveland Hopkins International Airport.

Looking next at the weight of the evidence against the person, now, this is the weight of the evidence of dangerous. It is not the evidence going to quilt but the evidence of dangerous.

And I think, your Honor, that goes back to the nature and circumstances of the offense as well as Exhibit 3, which is the competency evaluation of the Defendant, and that leads to the history and characteristics of the person.

There are several factors put forth that the Court should look at, including the mental condition and physical condition of the Defendant, his family ties, his

employment, past conduct, drug or alcohol use, and your Honor, I don't want to go too in depth in Exhibit 3, I am sure the Court can review it, but there are multiple instances of the Defendant not taking medications he has been prescribed, multiple hospitalizations at facilities involving the Defendant inexplicably leaving the state and driving in this case at late night.

And in this case, that is, indeed, what happened or at least involved driving a car at night and leaving the house.

THE COURT: Is it the United States' argument that he is a threat to the safety of the community; that he is -- there is no reason to assure his appearance or both?

MR. DECKERT: Both, your Honor. It would be both.

THE COURT: So you've just given me some examples of why you think his appearance may be an issue.

MR. DECKERT: Yes, your Honor.

THE COURT: Why don't you give me some specifics without -- I appreciate the case law -- but give me some specifics as relates to this case that indicate to me why he is a threat of danger to the community.

1 MR. DECKERT: Your Honor -- and to be -- let 2 me put it forward this way: 3 The statute is not just that he is a danger 4 to the community, but any person as well, any one person 5 or the community. 6 THE COURT: Correct. 7 MR. DECKERT: To start with, first, the 8 Defendant, I believe, is a danger to himself. 9 THE COURT: Okay. Okay. 10 MR. DECKERT: He has had three prior 11 attempts and ideations. There have been -- now the 12 Defendant is facing criminal charges with lengthy prison 13 sentences, access to firearms or actually, your Honor, I 14 take that back. I don't know if they have been removed 15 from the home, so I won't state that. 16 So you have danger to himself, danger to 17 others, the Defendant's statements, arrest is that the 18 motivation for this was due to a belief of his children 19 being in danger, and that he stated that he would do it 20 again over and over again if he could, and that he wanted 21 to be a martyr. 22 So these types of language, this language 23 and kinds of words indicate to the Government a danger to

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the community as well.

The next --

1 THE COURT: Well, what about the allegations 2 in the complaint of the activity? 3 Does that indicate to me that he is a danger 4 to the community? 5 MR. DECKERT: Well, yes, your Honor. 6 allegations are that he randomly chose two individuals in 7 the community and forcibly took their vehicles. One 8 person was dragged for approximately 150 feet and 9 suffered injuries, not to mention all the danger to the 10 individuals who were at the airport or in the air at the 11 time of his alleged actions. 12 THE COURT: Anything further on behalf of 13 the United States? 14 MR. DECKERT: Your Honor, just the other 15 factors that were listed under history and 16 characteristics of the person. 17 Family ties, I believe his only family tie 18 in the community is his current wife. He described that 19 he has no contact with his other family members. 20 I do not believe he has --21 THE COURT: I believe he maintains a 22 relationship with his brother. Is that right? I am just 23 looking at the Pretrial Services Report. 24 MR. DECKERT: You are right, your Honor. 25 There was an interview.

1 I do not believe he had an active employment 2 at the time, and there was some mention in the report, 3 the competency report, that there was use of alcohol and 4 drugs during some of the interactions that led him to be 5 hospitalized. 6 So your Honor, I think for all those reasons 7 the defense cannot rebut the presumption that there are 8 no condition or combination of conditions that would 9 reasonably assure Mr. Woolley's appearance or protect the 10 community. 11 Thank you. 12 THE COURT: Thank you very much, 13 Mr. Deckert. 14 Mr. Vegh? 15 MR. VEGH: Your Honor, I would like to 16 address a few things that Mr. Deckert brought up on 17 behalf of Mr. Woolley. 18 As far as phone conversations, as I was 19 beginning to say, there is 200 out of them, listened to

As far as phone conversations, as I was beginning to say, there is 200 out of them, listened to them all. The Government has chosen a portion of one of those conversations in his case. I understand why they are using it.

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I could play conversation after conversation where this man is weeping of being totally distraught, destroyed, very sorry, saying very sorry for what he is

1 charged with, and how it has ruined his life. I can play 2 many of those for the Court. 3 As far as him going away, walking away for 4 seven days, every once in a while I go away for three or 5 four days to fish. My wife has a party when I am gone. 6 Me wanting to go fishing away from 7 everything for three or four days is not a crime. 8 Neither is it a crime for Mr. Woolley to want to get away 9 for whatever reasons he chooses as long as he is not 10 breaking the law, and he was not breaking the law in any 11 of those instances. 12 Your Honor, as far as danger, he has 13 no criminal record, none, none whatsoever, your Honor. 14 He is a --15 THE COURT: Does that rebut a presumption, 16 Mr. Vegh? 17 I don't necessarily believe it MR. VEGH: 18 rebuts the presumption, but along with some of the other 19 things I say, I believe that in and of itself is enough, 20 but I have more than that. 21 He is a 27 year-old man who was honorably 22 discharged for medical reasons from the Army. He is 100 23 percent a disabled Veteran. Disability is a result of 24 his service to our country.

His DD 214 indicates that he was honorably

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1 discharged for medical reasons, and he was awarded the 2 Army Good Conduct Medal, National Defense Service Medal, 3 Global War on Terrorist Service Medal, Army Service 4 Ribbon, Basic Aviation Badge, Expert Marksmanship Badge 5 with Carbine Bar, and Inherent Resolve Campaign Medal 6 with Campaign Star. 7 He is not just a disabled Vet; he is a 8 highly decorated Vet. 9 He has been receiving care at the VA since 10 coming back from the Army. He has also received care 11 from VA in different locations where he served. 12 Your Honor, I would suggest to the Court 13 that his actions, his alleged actions that day was an 14 aberration in this young man's life. 15 THE COURT: These are five pretty serious 16 aberrations, aren't they? 17 MR. VEGH: Absolutely, Judge. I don't for 18 one second downplay the seriousness of these charges, I 19 don't. Also, as far as flight, doesn't have a car 20 because the car got repossessed. He doesn't have a 21 driver's license because his driver's license was in the 22 car when it got repossessed. 23 He does have a passport to my understanding. 24

He does have a passport. It is at his parents' home.

The Court should grant him some condition of bond. I

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would make sure that that passport was surrendered to the Clerk.

He doesn't work because he is 100 percent disabled, because of his service to our country. He has medical issues that I would suggest to the Court would not be adequately addressed at NEOCC.

Anybody that knows anything about NEOCC, that's the last place in the world you want to be with any kind of serious medical condition whatsoever except for maybe a headache.

THE COURT: Was he treating his medical condition before this?

MR. VEGH: Yes, he was, and there were periods of time when he lapsed as is very, very common in these types of situations.

THE COURT: Is that something the Court should be concerned with if he were to be released, the seriousness of the probability based on this conduct, that some other conduct could be forthcoming during one of these lapses?

MR. VEGH: Well, I think, Judge, of course, this Court should be concerned, but I think that there are conditions that can be put on this young man that would assure that he not reoffend, that he not flee, and that he stay current with his therapies and

medication.

THE COURT: Well, I think the obvious one would be some kind of GPS monitoring. What else would you suggest could be a condition or combination of conditions that would somehow tether him?

MR. VEGH: I would think some sort of an order that he obviously be highly supervised by pretrial, and that he give them assurances that he is making all of his appointments to the VA, taking the medications that is prescribed by the VA and contact information at the VA so that the probation officer can check up on him and make sure he is doing what he is supposed to do.

THE COURT: Does he have a family member who can serve as a quardianship?

MR. VEGH: His wife is sitting in the courtroom.

THE COURT: Is that yes?

MR. VEGH: Yes. This young lady here behind me. (Indicating.)

THE COURT: Go ahead. I interrupted you, which I don't want to do.

MR. VEGH: That's okay, Judge. So your Honor, I think there are conditions that can assure the safety of the community. We just talked about them. I think his risk of flight is minimal, minimal. He just

1 doesn't have the means to go anywhere. 2 Unless the Court has anymore questions for 3 me, that's all I have, Judge. 4 THE COURT: So you believe that his wife has 5 the wherewithal to tell him to stop if he is in the midst 6 of an episode? 7 MR. VEGH: Your Honor, I have had a lot of 8 conversations with Bree, and I know that he has -- she is 9 a 100 percent advocate for him, and I know she will do 10 whatever she can to ensure that he complies. 11 THE COURT: So again, I am kind of stuck 12 with the Pretrial Services Report, and it is six months 13 old. I'm just trying to make sure I am reading it 14 correctly, no relationship with his parents. 15 Is that correct? 16 MR. VEGH: It is strained. 17 THE COURT: I will take that as a no 18 relationship. 19 He does have -- maintains a relationship 20 with his brother Jordan, correct? 21 MR. VEGH: My understanding. 22 THE COURT: It says that he is living with 23 his wife and father in law since November '21, but that 24 he is currently divorced. 25 Is that correct?

1 MR. VEGH: Well, he was married previously. 2 The children that the prosecutor -- that Mr. Deckert 3 mentioned are the result of that marriage. So he is 4 divorced from that woman, and he is married to Bree 5 Wilson, his second. 6 THE COURT: Okay. That's what I wasn't sure 7 of. Okay. 8 I don't have any other questions, but thank 9 you very much. I appreciate the sensitive nature of this 10 issue, this case. This is an unusual case. Thank you. 11 Mr. Deckert, would you like the last word 12 here? 13 MR. DECKERT: No, your Honor. Thank you. 14 THE COURT: Very well. Again, this is a 15 difficult circumstance in that the issue most clearly is 16 whether the Defendant has overcome the presumption. The 17 Court is going to take the matter of detention under 18 advisement. The Defendant shall remain in the custody of 19 the United States Marshal pending further order of the 20 Court. 21 Is there anything further on behalf of the 22 United States? 23 MR. DECKERT: No, your Honor. Thank you. 24 THE COURT: Thank you, Mr. Deckert. 25 Anything further on behalf of the Defendant?

1 MR. VEGH: No. And we thank the Court. 2 THE COURT: Thank you. We are in recess. 3 (Hearing concluded at 1:53 p.m.) 4 5 State of Ohio, SS: 6 County of Cuyahoga,) 7 8 CERTIFICATE 9 10 I, George J. Staiduhar, within and for the 11 State of Ohio, do hereby certify that the above 12 transcript is a true and accurate record of the hearing 13 held before Magistrate Judge Johnathan D. Greenberg. 14 This record was prepared from the K Drive of the 15 Court's computer. 16 IN WITNESS WHEREOF, I have hereunto set my 17 hand and seal of office in Cleveland, Ohio, on this 18 18th day of August A.D., 2023. 19 20 21 s/George J. Staiduhar George J. Staiduhar 22 Notary Public - State of Ohio My commission expires 8-1-2027 23 24 25